IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE
MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WA.No. 583 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.6155/2007 Dated 23/02/2007
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APPELLANTS/ PETITIONERS :
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1. **JEES KURIAN, AGED 30 YEARS,**
   S/O KURIAN,
   KARAMEL HOUSE,
   KARIKODE P.O.,
   PERUVA,
   KOTTAYAM.

2. **VIGI GOPAL, AGED 29 YEARS,**
   D/O P. GOPALAN,
   ASWATHI HOUSE,
   ANJUKANDY P.O,
   DISTRICT HQ HOSPITAL,
   KANNUR.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS/RESPONDENTS:
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1. **THE MARRIAGE OFFICER,**
   THALAYOLAPARAMBU SUB DISTRICT,
   THALAYOLAPARAMBU.

2. **SUB REGISTRAR,**
   THALAYOLAPARAMBU.

3. **SUB REGISTRAR,**
   KANNUR-2.

BY SENIOR GOVERNMENT PLEADER SMT. K. MEERA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.

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W.A. NO. 583 OF 2007

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Dated this the 6th day of March, 2007.

J U D G M E N T

Radhakrishnan,(Ag.C.J.)

The writ petitioner has approached this Court seeking a direction to issue a writ of mandamus to first respondent to solemnize the marriage between the petitioners after waiving the period of 30 days as stipulated under the Special Marriage Act. The petitioners have stated various reasons for waiving the period fixed under the statute. Counsel appearing for the petitioners submitted that the 1st petitioner has to leave India on 10/3/2007 to Kuwait or he may lose his job. Further, the parents of both the parties have no objection in solemnizing the marriage between them. The learned counsel also submits that as the job of the petitioner is a lucrative one it is very difficult to find out other avocation especially when he is contemplating marriage with the 2nd petitioner. In the peculiar facts and circumstances

of the case we are inclined to give a direction as prayed for. Hence the writ appeal is allowed and the parents of both the parties are directed to be present before the Sub Registrar Office, Thalayolaparambu before or when the marriage is solemnized. However, we make it clear that this shall not be treated as a precedent.

K.S. RADHAKRISHNAN,
(AG. CHIEF JUSTICE).

M.N. KRISHNAN, JUDGE.

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